THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.25544 OF 2006

Date: 08-12-2006

Between:
Shri Srinivas Manchala,
S/o SriMallesamManchala,
Aged 41 years, r/o 3-6-504/A,
Street No.7, Himayatnagar, Hyderabad.

... Petitioner.

And

1.The Municipal Corporation of Hyderabad,
rep. by its Commissioner,
Tank Bund Road, Hyderabad and 2 others.

... Respondents.

* * *

ORDER:

The matter is coming up for admission. Smt. G.Jyothi Kiran, takes notice.

2. The writ petition is filed for a writ of Mandamus declaring action of the first respondent in not granting permission for construction of building in respect of the petitioner's property situated at 8-2-309/3/A, Road No.14, Banjara Hills, Hyderabad, by insisting on a 'no objection certificate' from the third respondent, as illegal, arbitrary and contrary to law declared by this Court and consequently direct the first respondent to consider the petitioner's application for construction of building in the said property without

insisting on a no objection certificate from the third respondent and issue sanction for construction of the building in the said premises and pass such other suitable orders.

3. Development Agreement-cum-General Power of Attorney dated 09.12.2005, registered sale deed dated 24.2.1978, Will deed executed by Amina Hydari dated 03.10.1991 and representation made by the petitioner on 01.8.2006 had been relied upon. Several factual details had been narrated in the affidavit filed in support of the writ petition.

4. This Court repeatedly held that while considering the application for building permission, no objection certificate from the Revenue authorities, much less, District Collector, cannot be insisted upon. In view of the same, the writ petition is disposed of with a direction to the second respondent to consider the application of the petitioner for building permission in relation to the subject matter of the writ petition without insisting on production of no objection certificate from third respondent in accordance with law at an early date. No costs.

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P.S.NARAYANA, J.

Date: 08th December 2006.

BSB